

ANDERSON KILL P.C.

Cort T. Malone, Esq.
Mark D. Silverschotz, Esq.
1251 Avenue of the Americas
New York, New York 10020
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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD SEPTEMBER 1, 2019 THROUGH SEPTEMBER 30, 2019**

Anderson Kill P.C., ordinary course insurance counsel to the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), submits this fee statement for the period September 1, 2019 through September 30, 2019 (the “**Seventh Fee Statement**”)² pursuant to the Court’s *Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated November 1, 2018 [Docket No. 242] and *Amended Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated February 28, 2019 [Docket No. 496] (the “**Orders**”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill previously has billed the Debtors and been paid as ordinary course counsel pursuant to this Court’s Orders [Docket Nos. 242 and 496] for the period from September 7, 2018 through August 31, 2019.

Pursuant to the Orders and this Court's *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained By Order of this Court*, dated December 18, 2018 [Docket No. 345], responses to the Seventh Fee Statement, if any, are due by November 4, 2019.

Dated: October 23, 2019

Respectfully submitted,

ANDERSON KILL P.C.

/s/ Cort T. Malone

Cort T. Malone, Esq.

Mark D. Silverschotz, Esq.

1251 Avenue of the Americas

New York, New York 10020

(212) 278-1000 (Telephone)

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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.,¹ APPLICANT: Anderson Kill P.C.
CASE NO.: 18-27963 (MBK) CLIENT: Chapter 11 Debtors
CHAPTER: 11 CASE FILED: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION UNDER
PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

**FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD SEPTEMBER 1, 2019 THROUGH SEPTEMBER 30, 2019**

**SECTION I
FEE SUMMARY**

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUS FEES REQUESTED	<u>\$281,885.00</u>	<u>\$785.73</u>
TOTAL FEES ALLOWED TO DATE	<u>\$281,885.00</u>	<u>\$785.73</u>
TOTAL RETAINER REMAINING	N/A	N/A
TOTAL HOLDBACK (IF APPLICABLE)	N/A	N/A
TOTAL RECEIVED BY ANDERSON KILL ²	<u>\$281,885.00</u>	<u>\$785.73</u>
 FEE TOTALS - PAGE 2	 \$26,531.50	
DISBURSEMENTS TOTALS - PAGE 3	<u>\$ 0</u>	
TOTAL FEE APPLICATION	\$26,531.50	

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Prior to the Petition Date, Anderson Kill was retained to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York. Anderson Kill was paid for all amounts owed for legal services rendered prior to the Petition Date and held no retainer thereafter for services and expenses incurred during these Chapter 11 Cases.

Name of Professional	Year Admitted	Title/Department	Hours	Rate	Fee
William G. Passannante	1990	Shareholder/Insurance	0.30	895.00	268.50
Mark D. Silverschotz	1981	Shareholder/Insurance	2.60	780.00	2028.00
Cort T. Malone	2003	Shareholder/Insurance	10.30	715.00	7364.50
Dennis J. Nolan	2007	Shareholder/Insurance	0.30	610.00	183.00
Raymond A. Mascia, Jr.	2010	Shareholder/Insurance	5.90	560.00	3304.00
Total Fees			38.30		\$26,531.50
Attorney Blended Rate				\$692.73	

**SECTION II
SUMMARY OF SERVICES**

SERVICES RENDERED	HOURS	FEE
Opposition to Relief from Stay of Insurance Case	0	\$0
Drafting and Responding to Discovery	0	\$0
Drafting and Responding to Objections		
Drafting and Editing Briefing and Submissions	8.90	\$6,456.50
Claims Evaluation and Related Motion Practice	0	\$0
Prepare, Attend and Argue at Court Hearings	0	\$0
Settlement Negotiations, Agreements and Mediation, including submissions	5.60	\$3,972.50
Insurance Case Work	23.80	\$16,102.50
Opposition to UST Appeal	0	\$0
SERVICE TOTALS	38.30	\$26,531.50

**SECTION III
SUMMARY OF DISBURSEMENTS**

	AMOUNT
Lexis Nexis Legal Research	\$0
Travel Charge – Car Service Late Night Work	\$0
Filing/court fees	\$0
TOTAL DISBURSEMENTS	\$0

**SECTION IV
CASE HISTORY**

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. §506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 1, 2018, effective as of September 7, 2018 [Docket No. 242].
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:

Anderson Kill is one of the Debtor's several Ordinary Course Counsel retained pursuant to the Orders. The firm's primary focus has been in connection with the insurance coverage litigation pending in New York State Supreme Court, Suffolk County, captioned *The North River Insurance Company v. Duro Dyne National Corporation, et al.*, Index No. 062947/2013. In connection with these Chapter 11 cases, however, the Debtor has called upon Anderson Kill to offer advice, draft and review pleadings, and otherwise become engaged at the confluence of insurance coverage and bankruptcy issues. Accordingly, given the manner in which the Chapter 11 Cases have experienced an extended tenure before the Bankruptcy Court, Anderson Kill's aggregate work product expanded beyond that which reasonably was anticipated at the commencement of the case, including:

- a) Anderson Kill reviewed and analyzed the insurance companies' requests for production of documents, participated in drafting and editing the responses to same and discovery requests to be served on the insurance companies;
- b) Anderson Kill attended to a stay relief motion, including briefing in support of stay relief strategy and preparing for and attending a hearing on the stay motion;
- c) Anderson Kill provided input regarding confirmation issues, including attendance at portions of the confirmation hearings;
- d) Anderson Kill prepared for, attended, and argued at other hearings, including the claims valuation hearing;
- e) Anderson Kill prepared for and participated in settlement negotiations, drafting and editing settlement agreements, and mediation submissions regarding North River's and other insurance company claims;
- f) Anderson Kill worked on briefing and other necessary submissions, including research, drafting, and editing same;
- g) Anderson Kill prepared for court hearings, including necessary research and preparation for oral arguments;

- h) Anderson Kill attended to various claims issues, including (i) the estimation and treatment of insurance company claims; and (ii) reviewing and analyzing North River Insurance Company's 3018 motion and preparing and filing an objection thereto; and
- i) Anderson Kill performed all other legal services for the Debtors that were necessary and proper in these proceedings and in furtherance of the Debtors' needs.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (100%)
- (B) SECURED CREDITORS: (100%)
- (C) PRIORITY CREDITORS: (100%)
- (D) GENERAL UNSECURED CREDITORS: (100%)

(6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: October 23, 2019

/s/ Cort T. Malone

Cort T. Malone, Esq.

EXHIBIT A

Professional services rendered by Anderson Kill P.C. from
September 1, 2019 through September 30, 2019

Anderson Kill P.C.

1251 Avenue of the Americas, New York, New York 10020-1182
(212) 278-1000 E-Mail: Accounting@andersonkill.com
EIN: 13-2743351

Randy Hinden
(c/o Howard Gross - Weinberg, Gross &
Pergament, LLP)
Duro Dyne Corporation
81 Spence Street
Bay Shore, NY 11706
rhinden@durodyne.com

DATE: October 10, 2019
MATTER: 102620.DDC02
INVOICE: 293637

MATTER: INSURANCE

Cort T Malone

INVOICE SUMMARY

Professional Services:	26,531.50
Costs:	0.00
	<hr/>
Total Current Invoice:	\$26,531.50
	<hr/>
TOTAL AMOUNT DUE:	<u><u>\$26,531.50</u></u>

Anderson Kill P.C.

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DURO DYNE CORP.

MATTER: 102620.DDC02

October 10, 2019

INVOICE: 293637

MATTER: INSURANCE

PROFESSIONAL SERVICES through 09/30/19

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
09/03/19	Follow up with LS re filing CNO. Continued prep work re possible insurance case argument on 9/19. Drafted letter to court requesting adjournment re same and emails exchanged with CC and HF counsel re same.	CTM	2.40
09/04/19	Follow up with LS re CNO filing. Call with co-counsel and CC counsel re strategic options with insurance companies and impact on insurance and bankruptcy cases and North River. Follow up call with JP and additional work re same. Emails exchanged and work with RM re insurance case argument issues. Sent draft adjournment letter to settled carriers to review. Emails exchanged re same.	CTM	3.50
09/04/19	Prepared for and participated in conference call regarding strategy related to request for adjournment of hearing on summary judgment motions.	RAM	0.50
09/05/19	Call with NR counsel re adjournment request. Updated letter to court and emails exchanged RM re filing same. Follow up re same.	CTM	1.10
09/06/19	Additional research re ongoing issues in insurance case and prep for potential argument on 9/19. Prep for call with LS and client. Follow up with NR counsel and RM re letter to court seeking adjournment and oversaw filing of same. Emails exchanged with client re same.	CTM	3.00
09/06/19	Attention to finalization and filing of letter to Justice Berland requesting adjournment of hearing on motions for summary judgment.	RAM	0.60
09/09/19	Prep and call with LS and client. Detailed discussion re cases/settlement options. Follow up work re policy information per client requests. Continued research and prep for insurance case argument scheduled for 9/19. Reviewed NR letter to court re same. Emails exchanged with RM re same.	CTM	3.90
09/09/19	Reviewed and analyzed court papers and exhibits in preparation for oral argument and prepared strategy for the same.	RAM	2.00

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DURO DYNE CORP.

MATTER: 102620.DDC02

October 10, 2019

INVOICE: 293637

MATTER: INSURANCE

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
09/10/19	Prep and call with LS and DD Board. Follow up work re same, options going forward. Worked with RM re 9/19 insurance argument and arguments in response to NR letter to court re adjournment. Continued prep for same. Worked with DN re bankruptcy issues.	CTM	3.20
09/10/19	Meeting with Cort Malone to discuss insurance company request for release.	DJN	0.30
09/10/19	Reviewed and analyzed court papers and exhibits in preparation for oral argument and prepared strategy for the same.	RAM	2.00
09/11/19	Emails exchanged with TF re call with CC counsel. Emails exchanged with RM re call to court, prep for argument. Follow up work re same. Call with court clerk and emails exchanged with all counsel re call with court tomorrow.	CTM	1.30
09/11/19	Contacted court regarding request for adjournment of oral argument and conferred with Cort Malone regarding the same.	RAM	0.20
09/12/19	Prep for call with Judge and all counsel in insurance case. Worked with RM re same. Participated in call and successfully argued for adjournment. Follow up with LS, clients, and CC counsel re same, next steps. Follow up re same.	CTM	2.40
09/12/19	Prepared for and participated in conference call with the court regarding adjournment of oral argument.	RAM	0.60
09/13/19	Prep and calls with JP and CC counsel re next steps in insurance and bankruptcy cases, settlement negotiations. Follow up work re same.	CTM	1.90
09/16/19	Follow up with MS re insurance and bankruptcy case status. Detailed work re drafting filing re fees. Emails exchanged with LS re same.	CTM	2.60
09/16/19	Attention to e-filings.	WGP	0.30
09/17/19	Emails exchanged with LS re filing. Reviewed draft motion to lift stay to take deathbed depositions. Emails exchanged with client, MS, JP, and CC counsel re same. Call with Abby and Jeff re same. Research re impact of motion.	CTM	1.80

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DURO DYNE CORP.

MATTER: 102620.DDC02

October 10, 2019

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MATTER: INSURANCE

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
09/17/19	Review of draft motion/stipulation respecting stay modification (.3); email exchange C. Malone regarding issues with respect to motion to lift stay (.3)	MDS	0.60
09/18/19	Prep and calls with JP and CC counsel re motion to lift stay. Follow up emails exchanged with client re same. Emails exchanged with LS re filings.	CTM	1.20
09/24/19	Reviewed updated draft motion to lift stay for deathbed depositions and provided comments re same.	CTM	1.60
09/25/19	Follow up with JP re motion to lift stay.	CTM	0.30
09/30/19	Emails exchanged with LS re request from CC counsel re settlements with insurance companies. Worked with LS re filings.	CTM	1.00

TOTAL FEES: 26,531.50

FEE SUMMARY			
	RATE	HOURS	TOTALS
Cort T Malone	715.00	31.20	22,308.00
Dennis J. Nolan	610.00	0.30	183.00
Mark D Silverschotz	780.00	0.60	468.00
Raymond A Mascia, Jr.	560.00	5.90	3,304.00
William G Passannante	895.00	0.30	268.50
TOTAL FEES:			26,531.50

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Cort T Malone	715.00	31.20	22,308.00
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William G Passannante	895.00	0.30	268.50
TOTAL FEES:			26,531.50

TOTAL DUE: \$26,531.50

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DURO DYNE CORP.

MATTER: 102620.DDC02

October 10, 2019

INVOICE: 293637

MATTER: INSURANCE

REMITTANCE COPY

Professional Services:	26,531.50
Costs:	0.00

Total Current Invoice:	\$26,531.50
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TOTAL AMOUNT DUE:	<u>\$26,531.50</u>
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PLEASE SEND YOUR REMITTANCE TO US AT:

OR, IF MORE CONVENIENT, YOU MAY WIRE THE FUNDS TO:

Anderson Kill P.C.
1251 Avenue of the Americas,
New York, New York, 10020-1182

BANK: WELLS FARGO BANK, N.A.
ABA NUMBER: 121000248
CREDIT TO: ANDERSON KILL P.C.
OPERATING ACCOUNT
ACCOUNT NUMBER: 2000037634722
INTERNATIONAL SWIFT CODE: WFBIUS6S

KINDLY INDICATE:

CLIENT NUMBER:	102620
INVOICE NUMBER:	293637
YOUR FIRM NAME:	DURO DYNE CORP.

THIS INVOICE IS PAYABLE UPON RECEIPT.

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE.